HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.31518 of 1997

Dated 23rd Day of February, 2007

Between:

M/s.Amrutanjan Ltd. ..
Petitioner

And

The Commissioner of Land Reforms &
Urban Land Ceiling, A.P.,
Nampally Station Road, Hyderabad
and another ..
Respondents

-
-
-
-
-
-
-
-
-
-

O R D E R:

This writ petition is filed to quash the Proceedings dated 13.11.1997 of the 1st respondent, by which, the notice issued by the 2nd respondent dated 23.9.1997, was confirmed.

The brief facts of the case are that the petitioner, which is a Public Limited Company registered under the Companies Act, has its Head Office in Madras and it purchased an extent of Ac.5.36 guntas of land in Plot No.14, situated at Industrial Development Area, Uppal, Hyderabad under a registered sale deed dated 12.7.1991 for one of its industrial units. Thus, the petitioner-company has absolute rights over the land in question. When the Urban Land Ceiling authorities raised an objection stating that the petitioner has an excess land over and above the ceiling limit, the petitioner approached the competent authority and gave an application seeking exemption as provided under Section 20(1)(a) of the Urban Land (Ceiling and Regulation) Act, 1976 (for brevity "the Act"). However, the application was not disposed of, and during the pendency of the application, the authorities served a notice under Section 10(5) of the Act to the effect that the excess land belonging to the petitioner-company vested with the State Government and the petitioner shall deliver possession of it. Against the notice, the petitioner preferred an appeal before the 1st respondent, who dismissed it holding that mere pendency of an application seeking exemption before the authority cannot be a ground to say that the

petitioner will not surrender the excess land. Aggrieved by the same, the petitioner has filed this writ petition.

Heard the learned counsel for both the parties.

I am totally in agreement with the 1st respondent, who held that pendency of the application seeking exemption under Section 20(1)(a) of the Act cannot be a ground for non-surrender of the excess land, but the petitioner raised various contentions before the appellate authority to establish that the land in question does not exceed over and above the ceiling limits. When once the appellate authority rejected his contentions holding that the exemption has no relevancy to the non-surrender of the land, the appellate authority should have applied his mind and passed a detailed order as to how the petitioner is an excess landholder, but this aspect is missing in his order. Hence, this Court is of the view that the order dated 13.11.1997 passed by the appellate authority i.e. the 1st respondent is liable to be set aside.

Hence, this writ petition is allowed and the order, dated 13.11.1997 passed by the 1st respondent is hereby set aside. However, the 1st respondent/appellate authority is hereby directed to issue fresh notice to the petitioner calling for its explanation and after considering the objections if any raised by the petitioner, dispose of the appeal by passing a detailed order. If, for any reason, the application seeking exemption filed under Section 20(1)(a) of the Act was disposed of and the competent authority gave exemption to the land in question, in my considered opinion, the competent authority may take this fact into consideration while disposing of the appeal. No costs.

_____

23.02.2007

bcj